



MP(MD) No.1 of 2008

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

MP(MD) No.1 of 2008

IN

SA No.1784 of 1987

RANJITHAM

... PETITIONER/4TH RESPONDENT

Vs

1 KAMALAN

2 CHELLAPPAN

3 FRANCIES

...RESPONDENTS NO.1 TO 3/ APPELLANTS 1 TO 3

4 RAMAKRISHNAN

...RESPONDENTS NO.4 & 5/RESPONDENTS NO.2 & 3

5 MARIATHAI

6 BAI

7 ENOSE

8 DAS

...RESPONDENTS NO.6 & 8/RESPONDENTS 5 TO 7

(Respondents 4 to 8 did not appear in S.A. ence they are given up in present Petition)



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Prayer:

Miscellaneous Petition filed under order 41, Rule 19 and Section 151 of C.P.C to Set-aside the Judgment and Decree dated 18/07/2001 passed by this Court in SA.No.1784/1987 on its file, restoring the Second Appeal to file.

Prayer in S.A No.1784 of 1987:

Second Appeal filed under Section 100 of CPC against the Judgment and decree of the learned Subordinate Judge, Kuzhithurai in A.S.No.17 of 1979 dated 31.07.1987 pursuant to the decree and Judgment of the Principal District Munsif, Kuzhithurai dated 27.02.1978 in O.S.No.1014/1971.

ORDER : This Miscellaneous Petitioni is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and none having appeared for the Petitioner and Respondents either in person or through counsel, this Court made the following order:-

When matter came up for consideration on 06.02.2024, the counsel for petitioner reported no instructions. Hence, the matter was directed to be listed by duly printing the name of the petitioner in the cause list. Today, when the matter was listed duly printing the name of the petitioner, there is no representation for the petitioner.

2. The Second Appeal was dismissed on merits as early as on 18.07.2001. This application is filed seeking to set aside the said order, dated 18.07.2001, passed in the main Second Appeal. The respondents 4 and 6 to 8 were already given up by the



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petitioner. The first respondent died. However, no steps have been taken to bring on record LR's of the deceased 1st respondent.

3. In the circumstances, this Court is left with no other option except to dismiss this petition for non-prosecution. Accordingly, this petition is dismissed for non prosecution.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS - I / II / III/ IV)

TO

1. The Subordinate Judge,
Kuzhithurai.

2. The Principal District Munsif,
Kuzhithurai.



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ORDER DATED : 07/02/2024

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ORDER
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in
SA. No.1784 of 1987

Giving direction and etc.
as stated within.

DL/(23.02.2024)/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.